

# Senate File 2013 - Introduced

SENATE FILE \_\_\_\_\_  
BY BOLKCOM, CONNOLLY, DOTZLER,  
DVORSKY, QUIRMBACH, APPEL,  
McCOY, and KREIMAN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

## A BILL FOR

1 An Act creating additional penalties for certain traffic offenses  
2 which result in serious injury or death to vulnerable users of  
3 roadways.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:  
5 TLSB 5048SS 82  
6 md/rj/5

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1 1 Section 1. Section 321.1, Code 2007, is amended by adding  
1 2 the following new subsection:  
1 3 NEW SUBSECTION. 93A. "Vulnerable user" means a  
1 4 pedestrian, highway worker, person riding an animal, or person  
1 5 operating any of the following on a roadway, sidewalk,  
1 6 crosswalk, intersection, or shoulder of the highway:

1 7 a. A farm tractor or implement of husbandry without an  
1 8 enclosed shell.  
1 9 b. A skateboard.  
1 10 c. Roller skates.  
1 11 d. In-line skates.  
1 12 e. A scooter.  
1 13 f. A bicycle.

1 14 Sec. 2. Section 321.277, Code 2007, is amended to read as  
1 15 follows:

1 16 321.277 RECKLESS DRIVING.

1 17 Any person who drives any vehicle in such manner as to  
1 18 indicate either a willful or a wanton disregard for the safety  
1 19 of persons or property is guilty of reckless driving.

1 20 Every person convicted of reckless driving shall be guilty  
1 21 of a simple misdemeanor. A person in violation of this  
1 22 section and involving the serious injury or death of a  
1 23 vulnerable user may also be subject to the penalties under

1 24 section 321.482B.

1 25 Sec. 3. Section 321.277A, Code 2007, is amended to read as  
1 26 follows:

1 27 321.277A CARELESS DRIVING.

1 28 1. A person commits careless driving if the person  
1 29 intentionally operates a motor vehicle on a public road or  
1 30 highway in any one of the following ways:

1 31 ~~1. a.~~ a. Creates or causes unnecessary tire squealing,  
1 32 skidding, or sliding upon acceleration or stopping.

1 33 ~~2. b.~~ b. Simulates a temporary race.

1 34 ~~3. c.~~ c. Causes any wheel or wheels to unnecessarily lose  
1 35 contact with the ground.

2 1 ~~4. d.~~ d. Causes the vehicle to unnecessarily turn abruptly  
2 2 or sway.

2 3 2. A person in violation of this section and involving the  
2 4 serious injury or death of a vulnerable user may also be  
2 5 subject to the penalties under section 321.482B.

2 6 Sec. 4. Section 321.278, unnumbered paragraph 1, Code  
2 7 2007, is amended to read as follows:

2 8 ~~No~~ A person shall not engage in any motor vehicle speed  
2 9 contest or exhibition of speed on any street or highway of  
2 10 this state and ~~no~~ a person shall not aid or abet any motor  
2 11 vehicle speed contest or speed exhibition on any street or  
2 12 highway of this state, except that a passenger shall not be  
2 13 considered as aiding and abetting. Motor vehicle speed  
2 14 contest or exhibition of speed are defined as one or more  
2 15 persons competing in speed in excess of the applicable speed  
2 16 limit in vehicles on the public streets or highways. A person  
2 17 in violation of this section and involving the serious injury

2 18 or death of a vulnerable user may also be subject to the  
2 19 penalties under section 321.482B.

2 20 Sec. 5. Section 321.279, Code 2007, is amended by adding  
2 21 the following new subsection:  
2 22 NEW SUBSECTION. 4. A person in violation of this section  
2 23 and involving the serious injury or death of a vulnerable user  
2 24 may also be subject to the penalties under section 321.482B.  
2 25 Sec. 6. NEW SECTION. 321.482B VIOLATIONS RESULTING IN  
2 26 SERIOUS INJURY OR DEATH OF VULNERABLE USERS == ADDITIONAL  
2 27 PENALTIES.

2 28 1. Notwithstanding section 321.482, a person who is  
2 29 convicted of operating a motor vehicle in violation of section  
2 30 321.277, 321.277A, subsection 1, section 321.278, or 321.279  
2 31 shall be subject to the penalties under subsection 2 in  
2 32 addition to any other penalty provided by law.

2 33 2. If the court determines that the violation described in  
2 34 subsection 1 contributed to the serious injury, as defined in  
2 35 section 702.18, or death of a vulnerable user of a roadway,  
3 1 the court shall:

3 2 a. Impose a sentence that requires the person to do all of  
3 3 the following:

3 4 (1) Complete a traffic safety course approved by the  
3 5 department.

3 6 (2) Perform at least one hundred, but no more than two  
3 7 hundred hours of community service. The community service  
3 8 must include activities related to driver improvement or  
3 9 traffic safety.

3 10 b. Impose, but suspend on the condition that the person  
3 11 complete the requirements of subsection 1, all of the  
3 12 following:

3 13 (1) A fine of no more than twelve thousand five hundred  
3 14 dollars.

3 15 (2) A suspension of driving privileges for one year.

3 16 c. Set a hearing date at least one year but no more than  
3 17 fourteen months from the date of sentencing.

3 18 d. At the hearing described in paragraph "c", the court  
3 19 shall do one of the following:

3 20 (1) If the person has successfully completed the  
3 21 requirements described in paragraph "a", dismiss the penalties  
3 22 imposed under paragraph "b".

3 23 (2) If the person has not successfully completed the  
3 24 requirements described in paragraph "a", do one of the  
3 25 following:

3 26 (a) Grant the person an extension of time to complete the  
3 27 requirements based on good cause shown.

3 28 (b) Impose the penalties under paragraph "b".

3 29 3. The department shall make available to the public a  
3 30 list of approved traffic safety courses available to fulfill  
3 31 the requirements of subsection 2, paragraph "a", subparagraph  
3 32 (1).

3 33 Sec. 7. Section 805.8A, subsection 6, paragraph b, Code  
3 34 2007, is amended to read as follows:

3 35 b. For violations under section 321.275, subsections 1  
4 1 through 7, ~~sections~~ section 321.277A, subsection 1, sections  
4 2 321.315, 321.316, 321.318, 321.363, and 321.365, the scheduled  
4 3 fine is twenty-five dollars.

4 4 EXPLANATION

4 5 This bill creates additional penalties for persons  
4 6 convicted of reckless driving, careless driving, drag racing,  
4 7 or eluding law enforcement vehicles when the offense  
4 8 contributes to the serious injury or death of a vulnerable  
4 9 user. The bill defines "vulnerable user" as a pedestrian,  
4 10 highway worker, person riding an animal, or person operating a  
4 11 farm tractor or implement of husbandry without an enclosed  
4 12 shell, a skateboard, roller skates, in-line skates, a scooter,  
4 13 or a bicycle on a roadway, sidewalk, crosswalk, intersection,  
4 14 or shoulder of the highway.

4 15 If the court determines that a specified violation  
4 16 involving the serious injury or death of a vulnerable user has  
4 17 occurred, it shall impose a sentence that requires the person  
4 18 to complete a traffic safety course and perform between 100  
4 19 and 200 hours of community service. The community service  
4 20 must include activities related to driver improvement or  
4 21 traffic safety. The court shall also impose, but suspend, a  
4 22 sentence which includes a fine of up to \$12,500 and a  
4 23 suspension of driving privileges for one year.

4 24 At a court hearing one year but no more than 14 months  
4 25 after the date of sentencing, the court shall determine if the  
4 26 person has completed the traffic safety course and the  
4 27 required community service. If the person has successfully  
4 28 completed the traffic safety course and community service the

4 29 court shall dismiss the suspended fine and license suspension.  
4 30 If the court determines that the requirements have not been  
4 31 met, it shall impose the fine and one-year license suspension,  
4 32 unless good cause for an extension of time to complete the  
4 33 requirements has been shown.  
4 34 The bill also requires the department of transportation to  
4 35 create a list of approved traffic safety courses available to  
5 1 fulfill the requirements of new Code section 321.482B.  
5 2 LSB 5048SS 82  
5 3 md/rj/5